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NOTIFICATION.

No. L.D 1517—Legis. 3-51-34, dated Bangalore, 12th November 1951.

Ordered that the All-India Services Bill, 1951, (Central Bill No. 79 of 1951), published in the *Gazette of India*, Part II, Section 2, dated the 6th October 1951, be republished in the *Mysore Gazette* for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,

Legal Remembrancer and
Secretary to Government,
Law Department.

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The following Bill was introduced in Parliament on the 28th September 1951 :—

BILL No. 79 OF 1951

A Bill to regulate the recruitment, and the conditions of service of persons appointed, to the All-India Services common to the Union and the States.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the All-India Services Act, 1951.

2. *Definition.*—In this Act, the expression "an all-India Service" means the service known as the Indian Administrative Service or the service known as the Indian Police Service.

3. *Regulation of recruitment and conditions of service.*—(1) The Central Government may, after consultation with the Governments of the States concerned, make rules for the regulation of recruitment, and the conditions of service of persons appointed, to an all-India Service.

(2) All rules made under this section shall be laid for not less than fourteen days before Parliament as soon as possible after they are made, and shall be subject to such modifications, whether by way of repeal or amendment, as Parliament may make during the session in which they are so laid.

4. *Continuance of existing rules.*—All rules in force immediately before the commencement of this Act and applicable to an all-India Service shall continue to be in force and shall be deemed to be rules made under this Act.

STATEMENT OF OBJECTS AND REASONS

Article 312 of the Constitution provides that Parliament may by law regulate the recruitment, and the conditions of service of persons appointed, to the all-India Services common to the Union and the States. At present there are two such all-India Services, namely, the Indian Administrative Service and the Indian Police Service. In the absence of any proviso to article 312 similar to that included in article 309, the Government of India is now compelled to deal with many of these matters by means of non-statutory executive orders. This is neither satisfactory nor quite justifiable.

2. Before the commencement of the Constitution, the Government of India issued the Indian Civil Administrative Cadre Rules and the Indian Police Service Cadre Rules. Although these Rules, in so far as they are not inconsistent with the Constitution are continued in force by article 313 of the Constitution, they authorise the regulation of only such items relating to the conditions of service as had already been settled. Emergency recruitment to these Services to fill the gaps left by the departure of the British element in the I.C.S. and the Indian Police was still in progress at that time. Many matters relating to the conditions of service of such officers were only decided after the Constitution had come into force. Other very important matters

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such as the fixation of retirement benefits have yet to be settled. Arrangements have also been completed recently to extend the Indian Administrative Service and the Indian Police Service schemes to the Part B States.

3. It is necessary that Parliament should provide the requisite statutory authority to enable the Government of India to carry on the day-to-day management of the two all-India Services and also to take and promulgate decisions on matters relating to the recruitment and the conditions of service from time to time.

4. The present Bill seeks to fill a constitutional lacuna without proceeding to incorporate any detailed provisions. This course is necessitated among other things by the shortness of time available to Parliament this year, After the necessary transitional period is passed through, it will be possible to incorporate the major provisions in an Act of Parliament. The present Bill provides that recruitment and conditions of service of officers of the two all-India Services shall be regulated by rules to be made by the Central Government in consultation with the Governments of the participating States. The Bill, however, provides that all the rules so made shall be laid before Parliament and shall be subject to such modifications as Parliament may make.

C. RAJAGOPALACHARI.

NEW DELHI,
The 25th September, 1951.